

LIQUOR ADVISORY BOARD
Tuesday, June 15, 2010
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LAB Members: Aaron Magdziarz
Alicia Neubauer
Dennis Olson
Dan Roszkowski
Julio Salgado
Scott Sanders
Craig Sockwell

Absent:

Staff: Jennifer Cacciapaglia – City Attorney
Todd Cagnoni, Deputy Director - Construction Services Division
Sandra Hawthorne, Administrative Assistant
Jon Hollander, City Engineer - Public Works
Mark Marinaro – Fire Prevention Division

Others: Kathy Berg, Stenographer
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Liquor Advisory Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Tuesday, June 28, 2010 at 4:30 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact Sandra Hawthorne in the Zoning Office for any further information and that her phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting started at 6:00 P.M. A **MOTION** was made by Craig Sockwell to **APPROVE** the minutes of the May 18th meeting as submitted. The **MOTION** was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 4-0, with Aaron Magdziarz and Scott Sanders abstaining as they were not in attendance at the May meeting and Alicia Neubauer arriving after the vote.

10-LAB-010

Applicant
Ward 12

910 West Riverside Boulevard

Harwinder Kaur d/b/a AB Food Mart

Sale of packaged liquor in conjunction with a liquor store in a C-2, Limited Commercial Zoning District

The subject property is located on the southeast corner of West Riverside Boulevard and North Main Street and is a tenant space within the North Towne Mall. Richard Fang with North Town Mall and Gurvinder Singh, husband of the Applicant, were present. Mr. Fang reviewed the request of the applicant. Mr. Singh explained the hours of operation were 10:00 AM to 11:00 PM Monday through Thursday, 10:00 AM to 2:00 AM Friday through Saturday, and 11:00 AM to 10:00 PM Sunday.

Attorney Cacciapaglia asked what products they would be selling besides liquor. The Applicant stated they would be selling candy and soda. He stated they would not be selling individual cigarettes. He did state they would be selling airplane sized bottles of liquor. Attorney Cacciapaglia asked the Board to place a condition as applied to other liquor applications that no airplane sized bottles, rose tubes or other products that can easily be converted into a "crack pipe" be sold. Mr. Cagnoni stated a condition could also state nothing less than a half pint of liquor may be sold. The applicant stated they will also be selling single bottles of beer. Attorney Cacciapaglia stated the sale should be as the intended package; i.e. a six-pack, 12 pack or larger, not sold as individual bottles broken down from a case or six-pack.

Staff Recommendation is for Approval with 6 conditions. No Objectors or Interested parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of packaged liquor in conjunction with a liquor store in the name of Harwinder Kaur d/b/a AB Food Mart in a C-2, Limited Commercial Zoning District at 910 West Riverside Boulevard with added conditions as directed by Staff. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. Submittal of Building permit for Staff review and approval
4. Submittal of detailed interior floor drawn to scale for Staff's review and approval
5. The hours of operation will be limited to 10:00 A.M. to 11:00 P.M. Monday through Thursday, 10:00 A.M. to 2:00 A.M. Friday through Saturday, and 11:00 A.M. to 10:00 P.M. Sunday.
6. The sale of alcohol shall be limited to the interior site plan that was submitted as Exhibit E.
7. The sale of rose tubes, airplane-sized bottles and any other product which can be easily converted into a "crack pipe" is prohibited.
8. There shall be no individual sale of cigarettes.
9. Alcohol shall not be sold in containers less than ½ pint in size.
10. All alcohol sales shall be sold as originally packaged and there shall be no separation of the original packaging into smaller amounts, including individual sales.

10-LAB-011

Applicant
Ward 10

4002 East State Street

Dan A. Olson d/b/a Michaels Bar and Restaurant
Sale of liquor by the drink in conjunction with a restaurant and bar in a C-2, Limited Commercial District

The subject property is located on the north side of State Street, 195 feet west of LynMar and is the former Ground Round restaurant. Stewart Olson and Michael Verace were present. Mr. Verace stated they would be open Monday thru Saturday, 11:00 to whenever those guests who stay after dinner leave.

Attorney Cacciapaglia asked if live entertainment would be provided. Mr. Verace stated they would not due to the limited size of the bar area. He feels the overhead music would be sufficient for their guests. Attorney Cacciapaglia stated she would make a request that no live entertainment be allowed, but wanted to clarify with the Applicant that there would be no live entertainment at all. She verified that a different application would need to be applied for if live entertainment with a cover charge were planned. She was comfortable with any live music accompanying the restaurant such as a piano bar. The Applicant felt his restaurant was not conducive to a cover charge situation. They have had success in the past without live entertainment.

Staff Recommendation is for Approval with 3 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Dennis Olson to **APPROVE** the sale of liquor by the drink in conjunction with a restaurant and bar in the name of Dan A. Olson d/b/a Michaels Bar and Restaurant in a C-2, Limited Commercial District at 4002 East State Street with added conditions. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Compliance with the Liquor Ordinance.
2. Compliance with the submitted business Plan (Exhibit F).
3. Hours of business as allowed by the Liquor Ordinance.
4. The business would not be operated as a nightclub
5. There shall be no cover charge
6. There shall be no open area larger than 150 square feet

10-LAB-012

Applicant
Ward 1

6430 East State Street, Suite 118

Keith Kinsey d/b/a The Noodle Shop Co.
Sale of liquor by the drink in conjunction with a restaurant and an outdoor seating area in a C-3, Commercial General District

The subject property is located on the north side of East State Street, 202 feet west of Trainer Road and is the proposed Noodles & Company restaurant. Jacki Hedgepath and James Webster were present. Mr. Webster reviewed the request. He explained they do not have a separate bar for liquor and clarified they are only wishing to sell beer and wine. The inside seating capacity is 75 and an additional 26 people can be seated outside. Mr. Webster asked if a 42" fence would be sufficient for their outdoor seating area, explaining that this is the type of fencing that is associated with their other restaurants. Mr. Cagnoni stated they have reviewed their plans and Staff is comfortable with a 42" fence. He further explained to the Board that there will be a sign face change on the existing Block Buster sign.

Staff Recommendation is for Approval with 1 condition. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the sale of liquor by the drink in conjunction with a restaurant and an outdoor seating area in the name of Keith Kinsey d/b/a The Noodle Shop Co. in a C-3, Commercial General District at 6430 East State Street, Suite 118. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Compliance with the Liquor Ordinance.

10-LAB-005

Applicant
Ward 1

510 South Perryville Road

Ashley Bennett d/b/a Cousin's Bar and Grill

Sale of liquor by the drink in conjunction with an outdoor seating area in a C-2, Limited Commercial Zoning District

Laid Over from April and May meetings

The subject property is located east of Perryville Road and south of East State Street and is currently operating as a restaurant and bar. The new owners applied for and received a liquor license October 2009 and are now looking to add an outdoor seating area with the sale of liquor by the drink. This item was Laid Over by the Board at the April and May meetings. At the April 20th meeting, the business plan submitted by the Applicant stated the ratio of liquor sales would be 60% and food sales 40%. Staff Recommendation was for Denial based on this percentage. The Lay Over was provided to allow the Applicant time to obtain an audit prepared by a Certified Accountant proving the sale of alcohol was a minimum of 50% ration to food. The Applicant requested this item be also Laid Over at the May 18th meeting.

Neither Applicant nor Representative were present. Mr. Cagnoni explained they have not had any correspondence nor contact from the Applicant since last month's meeting.

Staff Recommendation is for Denial.

A **MOTION** was made by Alicia Neubauer to **DISMISS** the sale of liquor by the drink in conjunction with an outdoor seating area in the name of Ashley Bennett d/b/a Cousin's Bar and Grill in a C-2, Limited Commercial Zoning District at 2921 City View Drive. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 7-0.

10-LAB-006

Applicant
Ward 9

2921 City View Drive

Chawn Scanlan d/b/a Scanlan's

Sale of liquor by the drink in conjunction with an outdoor seating area in a C-1, Limited Office Zoning District

Laid Over from April and May meetings

Prior to the meeting, a written request was received from the Applicant's attorney to Lay Over this item to the July 20th meeting. Mr. Cagnoni stated staff has been working with the Applicant.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the sale of liquor by the drink in conjunction with an outdoor seating area in the name of Chawn Scanlan d/b/a Scanlan's in a C-1, Limited Office Zoning District at 2921 City View Drive. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 7-0.

With no further business to come before the Board, the meeting was adjourned at 6:40 PM

Sandra A. Hawthorne, Administrative Assistant
Liquor Advisory Board